

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION
OF KAVANAGH FISHERIES, INC.
OWNER OF THE F/V ATLANTIC, FOR
EXONERATION FROM OR LIMITATION
OF LIABILITY

CIVIL ACTION
NO. 05-10637-GAO

MOTION OF KRONES, INC. TO SUBSTITUTE PARTY AND COUNSEL

Now comes Krones, Inc., through counsel and hereby requests that it be allowed to substitute its counsel for counsel for Zim Integrated Shipping Services, Ltd. and Zim American Integrated Services, Inc. (collectively Zim) and substitute Krones, Inc. as the party pursuing the claim for damage to cargo in container CLHU2720824 previously asserted by Zim in this action.

In support of this Motion, Krones, Inc. states as follows:

Krones shipped cargo, specifically a rebuilt bottle labeling machine, in container CLHU272082 aboard the M/V Zim Shenzhen pursuant to Bill of Lading No. ZIMUORF94169.

On March 17, 2005 the cargo shipped by Krones, Inc. was damaged when the F/V Atlantic collided with the M/V Zim Shenzhen as fully set forth in Zim's Answer, Affirmative Defenses and Claim filed with this Court in the above-captioned case on August 30, 2005.

In its Answer and Claim, Zim asserted cargo claims, including a claim for damage to cargo in container CLHU2720824. The cargo held in container CLHU2720824 was owned by Krones, Inc.

In its Answer, Zim asserted that it made the cargo claims, including the claim for damage to cargo in Container CLHU2720824 in their capacity as agents of the owners of the various cargoes.

Krones, Inc. seeks to substitute counsel for Zim with its own counsel and to pursue the claim filed by Zim for damage to the Krones, Inc. cargo in its own name. The cargo owned by Krones, Inc. sustained damage in the collision in the amount of \$155,719.45.

Counsel for Zim has indicated that he is not taking a position with respect to this Motion.

Counsel for Kavanagh Fisheries has indicated that he will oppose this Motion.

WHEREFORE, Krones, Inc. respectfully requests that this Court enter an order allowing its counsel to enter an appearance as counsel for Krones, Inc. in substitution for David J. Farrell, Jr., counsel for Zim, and allow Krones, Inc. to pursue its cargo claim in its own name.

Respectfully submitted,
Krones, Inc.
By its attorneys,

/s /Robert W. Harrington
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Dated: November 17, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon all counsel of record in this action in compliance with the F.R.C.P.

/s /Robert W. Harrington
Robert W. Harrington, BBO# 223080